

## CLASSIFICATION OFFICE DECISION

**Title of publication:** IMG-20160227-WA0004.jpg

**Other known title(s):** 10

**OFLC ref:** 1800550.009

**Medium:** Image File

**Publisher:** Not stated

**Country of origin:** Not stated

**Language:** Not applicable

**Applicant:** Commissioner of Police

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| <b>Classification:</b> | Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years. |
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**Descriptive note:** None

**Display conditions:** None

**Date of entry in Register:** 15 February 2019

**Date of direction to issue a label:** No direction to issue a label has been issued

**Date of notice of decision:** 14 February 2019

### Summary of reasons for decision:

The image explicitly depicts a couple engaged in anal intercourse. Consideration has been given as to whether the female participant is a child or young person. The Classification Office considers that her age cannot be determined with any degree of certainty and therefore it cannot fairly be said that the image depicts the sexual exploitation of a child or young person. However, the unrestricted availability of the image is still likely to be injurious to the public good. There is a common social consensus across many countries that sexual material such as this should be limited to adults because of the potential for harm to developing sexual attitudes and behaviours of young people from premature exposure to such material. The image is therefore restricted to adults. This classification interferes with the right to freedom of expression as set out in the New Zealand Bill Of Rights Act 1990 but is justified in order to prevent injury to the public good.